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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 CARLOS ROMAN,

11 Plaintiff,

12 v.

13 WASHINGTON CORRECTIONAL
14 FACILITY et al.

15 Defendants.

CASE NO. 3:11-cv-05234-BHS-JRC

ORDER

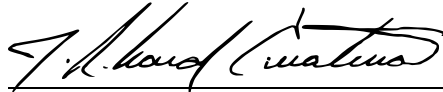
16 This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned
17 Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate
18 Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff has filed a motion asking for
19 appointment of counsel (ECF No. 16).
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21 There is no right to have counsel appointed in cases brought under 42 U.S.C. §
22 1983. Although the court can request counsel to represent a party, 28 U.S.C. § 1915(e)
23 (1), the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789
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1 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir.
2 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional
3 circumstances requires an evaluation of both the likelihood of success on the merits and
4 the ability of the plaintiff to articulate his claims pro se in light of the complexity of the
5 legal issues involved. Wilborn, 789 F.2d at 1331.

6 Plaintiff has demonstrated an adequate ability to articulate his claims pro se. The
7 court does not believe that plaintiff has made an adequate showing regarding the
8 likelihood of success on the merits. According, the motion (ECF No. 16) is **DENIED**.

9 Dated this 22nd day of July, 2011.
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13 J. Richard Creatura
14 United States Magistrate Judge
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